

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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LONZO J. STANLEY,

Petitioner,

ORDER

15-cv -222-bbc

03-cr-62-bbc

v.

UNITED STATES OF AMERICA,

Respondent.  
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On June 29, 2015, petitioner Lonzo J. Stanley has filed a motion under Fed. R. Civ. P. 59(e) to alter or amend the judgment entered on June 5, 2015 and amended on June 9, 2015, denying his motion for post conviction relief under 28 U.S.C. § 2255. Dkt. #5. That motion was denied because petitioner had three prior convictions that had been found to be crimes of violence at the time of his sentencing and he failed to show that this finding was inaccurate. It is possible that he could have shown that his crimes were misclassified at the time of his sentencing had he brought a timely motion for post conviction relief, but the § 2255 motion he filed in 2015 was not timely.

In his Rule 59(e) motion, petitioner asked the court to vacate the earlier order denying his post conviction motion and direct the government to respond to the motion, indicating whether it intends to assert its available limitations offenses. Before that motion was acted upon, petitioner filed an “amended motion to alter or amend the judgment or, in

the alternative, amendment to his § 2255 motion.” Dkt. #6. In this motion, petitioner repeats his request for alteration of the June 5, 2015 motion and June 9, 2015 amended motion and adds a request to amend his original § 2255 motion to add an argument based on a June 26, 2015 statement in an opinion issued by the U. S. Supreme Court in Johnson v. United States.

I believe that a response from the government will be useful in this instance. Accordingly, I will vacate the earlier orders and set a briefing schedule.

#### ORDER

IT IS ORDERED that the orders entered on June 5, 2015 and June 9, 2015, ## 2 & 4, are VACATED to allow the parties to brief the issues raised in petitioner Lonzo J. Stanley’s motion for post conviction relief under 28 U.S.C. § 2255, dkt. #5, and expanded upon in his motion to alter or amend the judgment, dkt. #6. The government may have until July 31, 2015 in which to file a response; petitioner may have until August 21, 2015 in which to file a reply.

Entered this 9th day of July, 2015.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge